Civil Misc. Writ Petition No. 100 of 2001
(Old No. 34299 of 1999)

Nanda Ballabh Dangwal …….. Petitioner

Versus

State of U.P. and others ……. Respondents

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Hon. A.A. Desai, C.J.
Hon. M.C. Jain, J.

Heard learned counsel for the petitioner, Sri B.S. Khanka.

The petitioner was in-service candidate for the post of Librarian. While in employment, he improved his qualification and obtained a degree in Library Science. The Post of Librarian was to be filled in by way of selection from the open market. The age limit prescribed in the advertisement was 32 years. However, the petitioner at the relevant time, was aged about 42 years. His application was, therefore, not considered and he was not invited for interview, Mr. B.S.Khanka, learned counsel for the petitioner, urged before us that in view of Rule 973 of Rules Regarding Recruitment contained in Chapter 136, there could be relaxation of age and he was entitled to that relaxation. With the assistance of the learned counsel we have perused the Rules. The discretion is vested in the Heard of the Department to relax age only when it is necessary in the interest of fair dealing or in the public interest. It is, therefore, obvious that it was not imperative for the Head of the Department to relax the age. The petitioner can not claim the relaxation as a legitimate right.

The claim petition is without any substance. We therefore, dismiss the petition.

(A.A. Desai, C.J.) **(M.C. Jain, J.)**

Dt. 2.8.2001
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